



Hexion Specialty Chemicals, Inc.

1600 Smith Street, 24<sup>th</sup> Floor  
Houston, TX 77002  
www.hexion.com

**TOTAL PAGES - 16 -**

DATE: October 1, 2007

RE: USSN: 10/549,544  
International Filing Date: 03/26/2004  
Attorney Docket: 05-02-FPP.US

**RESUBMISSION OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

As per the conversation with Examiner Patrick D. Niland, on October 1, 2007, this correspondence is a resubmission of the Petition to Withdraw Holding of Abandonment that was faxed on Tuesday, September 04, 2007. The previous submission was correctly submitted, as evidenced by the facsimile reply transmission, however as of October 1, 2007, still has not shown up on either the Examiner's electronic docket or applicants' private pair.

Therefore, this resubmission consists of the previously submitted Petition to Withdraw Holding of Abandonment, including the accompanying facsimile reply transmission; a copy the Notice of Abandonment; a copy of the Response to an Office Action filed on March 21, 2007; a copy of the Certificate of Facsimile Transmission, a copy of the Transmission Verification Report and a copy of the Auto-Reply Facsimile Transmission for the Response to the Office Action filed on March 21, 2007.

A handwritten signature in black ink, appearing to be "Richard Yuen", written over a horizontal line.

Richard Yuen  
L0278

TO:Auto-reply fax to 8323662586 COMPANY:



## Auto-Reply Facsimile Transmission

TO:

Fax Sender at 8323662586

### Fax Information

9/4/2007 6:00:02 PM [Eastern Daylight Time]

Date Received:

14 (including cover page)

**Total Pages:**

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page

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09/04/2007 16:57 R323552586 BPP LEGAL PAGE 01/14

## HEXION

**Nexion Specialty Chemicals, Inc.**

## EXION

1600 Smith Street, 24<sup>th</sup> Floor  
Houston, TX 77002  
www.fordag.com

10/10/04, 12:30 PM  
www.burtonlaw.com

1000

TOTAL PAGES 14

DATE: September 4, 2007

TO: Mail Stop: Issue For  
CC: Examiner Patrick D. Niland

FAX (571) 273-8300

FAX (571) 273-1121

FROM: Richard Yuen  
PHONE: (832) 366-2475  
FAX: (281) 205-2050

RE:                   USSN:                   11/549,544  
                      International Filing Date:   03/26/2004  
                      Attorney Docket:           05-02-FEP-US

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, consisting of a Petition to Withdraw Holding of Abandonment, a copy the Notice of Abandonment, a copy of the Response to an Office Action filed on March 21, 2007, a copy of the Certificate of Facsimile Transmission, a copy of the Transmission Verification Report and a copy of the Auto-Reply Facsimile Transmission are being facsimile transmitted to the United States Patent and Trademark Office, facsimile number (571) 273-8300 with copy to Examiner Nihand at (571) 273-1121 on Tuesday, September 04, 2007.

Richard Yuen  
Registration No. L0278

FACSIMILE TRANSMISSION

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TRANSMISSION VERIFICATION REPORT

TIME : 09/04/2007 17:01  
 NAME : RFP LEGAL  
 FAX : 8323662586  
 TEL : 8323662586  
 SER. # : BROE2J364478

DATE, TIME  
 FAX NO. /NAME  
 DURATION  
 PAGE(S)  
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**HEXION™**  
 Specialty Chemicals

Hexion Specialty Chemicals, Inc.

1600 Smith Street, 24<sup>th</sup> Floor  
 Houston, TX 77002  
 www.hexion.com

TOTAL PAGES 14

DATE: September 4, 2007

TO: Mail Stop: Issue Fee  
 CC: Examiner Patrick D. Niland

FAX (571) 273-8300  
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FROM: Richard Yuen  
 PHONE: (832) 366-2475  
 FAX: (281) 205-2050

RE: USSN: 11/549,544  
 International Filing Date: 03/26/2004  
 Attorney Docket: 05-02-FFP.US

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TOTAL PAGES 14

DATE: September 4, 2007

TO: Mail Stop: Issue Fee  
CC: Examiner Patrick D. Niland

FAX (571) 273-8300  
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FROM: Richard Yuen  
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COPY

RE: USSN: 11/549,544  
International Filing Date: 03/26/2004  
Attorney Docket: 05-02-FFP.US

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Richard Yuen  
Registration No. L0278

#### FACSIMILE TRANSMISSION

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\*\*\*\*\*

"PATENT"

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	10/549,544	Confirmation No. 3721
Applicant	:	Rainio, Jouni	
International Filing	:	26 March 2004	
Art Unit	:	1714	
Examiner	:	NILAND, Patrick Dennis	
Docket No.	:	05-02-FPP.US	
Customer No.	:	33249	
Date	:	September 4, 2007	

[COPY]

Mail Stop: Issue Fee  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Petition To Withdraw Holding of Abandonment**

Dear Sir:

This is in response to the Notice of Abandonment mailed August 23, 2007, regarding the above referenced application.

Applicant is hereby submitting this petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment.

Applicant contests that the appropriate response to the office action dated January 17, 2007, was submitted via facsimile transmission on March 21, 2007. As evidence of this transmission Applicant hereby submits evidence of submission as outlined under 37 CFR § 1.8(b):

USSN: 10/549,544

Petition under 37 CFR § 1.181 (a)

- Auto-Reply Facsimile Transmission (1 page) showing 8 pages transmitted dated March 21, 2007
- Transmission verification report (1 page) showing 8 pages transmitted dated March 21, 2007
- Certificate of Facsimile Transmission (1 page) signed and dated March 21, 2007
- Response to Office Action (7 pages) signed and dated March 21, 2007

Applicant does not believe that any fee is due in the submission of this petition. However, if any fee is due, Applicant hereby grants the USPTO to withdraw any fees as required from deposit account number 50-1863.

If it would be of any assistance with this application the Examiner is invited to contact the undersigned.

Respectfully submitted,



Richard Yuen  
Registration No.L0278

Date: Sept 9/07

Hexion Specialty Chemicals, Inc.  
1600 Smith Street 24<sup>th</sup> Floor, P.O. Box 4500  
Houston, Texas 77210-4500

Direct Phone: (832) 366-2475  
Direct Facsimile: (281) 205-2050  
[richard.yuen@hexion.com](mailto:richard.yuen@hexion.com)

Enclosed:

- Auto-Reply Facsimile Transmission - 1 page
- Transmission verification report - 1 page
- Certificate of Facsimile Transmission - 1 page
- Response to Office Action - 7 pages
- Copy of Notice of Abandonment - 1 page

[COPY]



Hexion Specialty Chemicals, Inc.

1600 Smith Street, 24<sup>th</sup> Floor  
Houston, TX 77002  
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TOTAL PAGES 8

DATE: March 21, 2007

TO: Examiner Patrick D. NILAND  
PHONE: (571) 272-1511  
FAX: (571) 273-8300

FROM: Richard Yuen  
PHONE: (832) 366-2475  
FAX: (281) 205-2050

RE: USSN: 11/549,544  
International Filing Date: 09/13/2005  
Attorney Docket: 05-02-FFP.US

**COPY**

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence, consisting of a Response to an Office Action dated January 17, 2007, (7 pages) is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number (571) 273-8300 on Wednesday, March 21, 2007.

Richard Yuen  
Registration No. L0278

FACSIMILE TRANSMISSION

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\*\*\*\*\*

"PATENT"

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. No.	:	10/549,544	Confirmation No. 3721
Applicant	:	Rainio, Jouni	
International Filing	:	26 March 2004	
Art Unit	:	1714	
Examiner	:	NILAND, Patrick Dennis	
Docket No.	:	05-02-FPP.US	
Customer No.	:	33249	
Date	:	March 21, 2007	

COPY

**Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450**

**RESPONSE UNDER 37 CFR § 1.111**

Dear Sir:

This is in response to the United States Patent and Trademark Office action mailed January 17, 2007, regarding the above referenced application.

Amendments to the claims begin on page 2 of this submission.

Remarks begin on page 5 of this submission.



(COPY)

**AMENDMENTS TO THE CLAIMS**

1. (currently amended)      ~~An Adhesive~~ adhesive composition for use in the manufacture of wood-based boards, the adhesive composition comprising 40 to 80 w % of a resin, 5 to 30 w % of a filler, 0.1 to 10 w % of a foaming agent and 0 to 40 w % of a solvent, wherein foaming agent comprises a compound selected from the group consisting of organic surface-active sulfate compounds, ~~or~~ inorganic surface-active sulfate compounds, sulfonate compounds, phosphate compounds, phosphonate compounds, ~~their derivatives~~ and combinations thereof.

2. (currently amended)      ~~The An~~ adhesive composition of claim 1, for use in the manufacture of wood-based boards, the adhesive composition comprising 40 to 80 w % of a resin, 5 to 30 w % of a filler, 0.1 to 10 w % of a foaming agent and 0 to 40 w % of a solvent, wherein the foaming agent comprises a compound selected from the group consisting of lauryl sulfate, lauryl ether sulfate, benzene sulfate ~~their derivatives~~ and combinations thereof.

3. (currently amended)      ~~The An~~ adhesive composition of claim 2, for use in the manufacture of wood-based boards, the adhesive composition comprising 40 to 80 w % of a resin, 5 to 30 w % of a filler, 0.1 to 10 w % of a foaming agent and 0 to 40 w % of a solvent, wherein the foaming agent comprises a compound selected from the group consisting of sodium lauryl sulfate, ammonium lauryl sulfate, potassium lauryl sulfate, sodium lauryl ether sulfate, ammonium lauryl ether sulfate, potassium lauryl ether sulfate, ~~their derivatives~~ and combinations thereof.

4. (currently amended)      ~~The An~~ adhesive composition of claim 2, for use in the manufacture of wood-based boards, the adhesive composition comprising 40 to 80 w % of a resin, 5 to 30 w % of a filler, 0.1 to 10 w % of a foaming agent and 0 to 40 w % of a solvent, wherein the foaming agent comprises a compound selected from the group consisting of sodium isopropyl sulfonate, sodium lauryl sulfonate, sodium benzene sulfonate, sodium alkyl benzene sulfonate, ammonium lauryl phosphate, ammonium lauryl sulfonate, potassium olein sulfate, sodium naphthalene sulfonate, ~~their derivatives~~ and combinations thereof.

(COPY)

5. (previously presented) The adhesive composition of claim 1 wherein the composition comprises 0.1 to 5w % foaming agent.

6. (currently amended) The adhesive composition of claim 1 wherein the adhesive composition contains 1 to 10w % foaming agent, and wherein the foaming agent comprises 0.1 to 30w % of a compound selected from the group consisting of lauryl sulfate, lauryl ether sulfate, benzene sulfate, ~~their derivatives~~ and combinations thereof.

7. (currently amended) The ~~adhesvie~~ adhesive composition of claim 1 wherein the resin is selected from the group consisting of urea-formaldehyde, melamine urea-formaldehyde, melamine urea-formaldehyde phenol, phenol-formaldehyde, phenol melamine formaldehyde, phenol resorcinol formaldehyde ~~OF, MUF, MUFP, PF, PMF, PRO, their derivatives~~ and combinations thereof.

8. (previously presented) The adhesive composition of claim 1 wherein the composition comprises 50 to 70 w % resin.

9. (previously presented) The adhesive composition of claim 1 wherein the composition comprises 8 to 20 w % filler.

10. (previously presented) The adhesive composition of claim 1 wherein the filler is selected from the group consisting of starch, wheat meal, chalk, sodium carbonate, potassium carbonate, calcium carbonate, ammonium sulfate, wood powder, quebracho, and combinations thereof.

11. (previously presented) The adhesive composition of claim 1 wherein the composition contains 12 to 35 w % solvent.

12. (previously presented) The adhesive composition of claim 1 wherein the solvent is water or an organic solvent.

(COPY)

13. (previously presented) The adhesive composition of claim 1 further comprising added air.

14. (previously presented) The adhesive composition of claim 1 wherein the foaming agent is in solid, liquid or paste- like state.

15. (previously presented) The adhesive composition of claim 1 prepared by a process comprising mixing the resin, filler, foaming agent and solvent to form an emulsion.

16. (previously presented) The adhesive composition of claim 15 wherein the mixing is at a temperature greater than about 40 °C.

(COPY)

REMARKS

Claims 1-16 are currently before the Examiner. Claims 1-4 and 6-7 have been amended herein.

Claims 1-16 stand rejected under 35 USC § 112 2<sup>nd</sup> paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

More specifically, the office action rejected claim 1 for unclear Markush language.

Applicant has amended claim 1 to clarify the Markush language. Applicant believes that no new matter has been added with this amendment. Reconsideration of this rejection is respectfully requested.

Additionally, the office action rejected claim 7 for lack of clarity in the use of abbreviations.

Applicant has amended claim 7 to replace the abbreviations with the full names intended to be covered thereby. No new matter has been added with this amendment. Reconsideration of this rejection is respectfully requested.

Claims 1-16 stand rejected under 35 USC § 112 1<sup>st</sup> paragraph because the specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. This rejection is respectfully traversed.

Specifically, the office action states the claimed "derivatives" can read on an infinite number of compounds resulting from the potentially infinite number of derivations which can be performed on the recited compounds.

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Applicant has deleted the word derivatives from the claims. No new matter has been added with this amendment. Reconsideration of this rejection is respectfully requested.

Claims 1-16 stand rejected under 35 USC § 102(b) as being anticipated by WO 99/46349 Lappalainen et al. This rejection is respectfully traversed.

The office action states that Lappalainen *et al.* disclose a foamed resin adhesive containing the instantly claimed ingredients in the instantly claimed amounts. Lappalainen *et al.* reference the foamed resin adhesive, in the abstract, to comprise 40-80% of an aqueous resin solution, 2-10% of an organic filler or fillers, 1-10% of a cationic acrylamide copolymer, and 0.005-1% of a surface active agent.

In response, Applicant has amended independent claim 1 to further define the foaming agent. Applicant's foaming agent does not teach the usage of a cationic acrylamide copolymer, an element that is required by Lappalainen et al. Reconsideration of this rejection is respectfully requested.

Claims 1-16 stand rejected under 35 USC § 103(a) as being anticipated by WO 99/46349 Lappalainen et al. This rejection is respectfully traversed.

The office action states that Lappalainen *et al.* disclose a foamed resin adhesive containing the instantly claimed ingredients in the instantly claimed amounts in the abstract, and that it would have been obvious to one of ordinary skill in the art at the time to use the claimed ingredient combinations. Lappalainen *et al.* reference the foamed resin adhesive in the abstract to comprise 40-80% of an aqueous resin solution, 2-10% of an organic filler or fillers, 1-10% of a cationic acrylamide copolymer, and 0.005-1% of a surface active agent.

In response, Applicant has amended independent claim 1 to further define the foaming agent. Lappalainen *et al.* does not teach or suggest a Applicant's foaming agent as in amended claim 1, because the reference requires it to include a cationic acrylamide copolymer.

COPY

Additionally it would not have been obvious, by the teaching of Lappalainen *et al.*, that the currently claimed foaming agent would produce an effective and ethical adhesive composition that has very good foamability and allows for good control of foamability to be achieved (see specification page 5, lines 6-10). Nor would it have been obvious to invent an adhesive that has a good and fast spreadability on the surface to be glued, creating an adhesive that is not viscous and divides easily when being spread and creating a reduction in the consumption of adhesive (see specification page 5, lines 19-24). Examples of the adhesive compositions created by Applicant's claims with the benefits not taught by Lappalainen *et al.* can be found in the specification pages 6-9. Therefore, Lappalainen *et al.* do not teach the adhesive composition as currently claimed, nor does the reference teach or suggest that such a composition would provide the benefits of Applicant's adhesive. Reconsideration of this rejection is respectfully requested.

In light of the above, it is respectfully submitted that the pending claims of the present application are in condition for allowance. If it would be of any assistance with this application the Examiner is invited to contact the undersigned.

Respectfully submitted,



Richard Yuen  
Registration No. L0278

Date: March 21/07

Hexion Specialty Chemicals, Inc.  
1600 Smith Street 24<sup>th</sup> Floor, P.O. Box 4500  
Houston, Texas 77210-4500

Direct Phone: (832) 366-2475  
Direct Facsimile: (281) 205-2050  
richard.yuen@hexion.com

## TRANSMISSION VERIFICATION REPORT

[COPY]

TIME : 03/21/2007 14:07  
NAME : RPP LEGAL  
FAX : 8323662586  
TEL : 8323662586  
SER.# : BROE2J364478

DATE, TIME  
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Specialty Chemicals

Hexion Specialty Chemicals, Inc.

1600 Smith Street, 24<sup>th</sup> Floor  
Houston, TX 77002  
www.hexion.com

TOTAL PAGES 6

DATE: March 21, 2007


TO: Examiner Patrick D. NILAND  
PHONE: (571) 272-1511  
FAX: (571) 273-8300

FROM: Richard Yuen  
PHONE: (832) 366-2475  
FAX: (281) 205-2050

RE: USSN: 11/549,544  
International Filing Date: 09/13/2005  
Attorney Docket: 05-02-FFP.US

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Richard Yuen  
Registration No. L0278

TO: Auto-reply fax to 281206.55 COMPANY:

COPY

## Auto-Reply Facsimile Transmission



TO:

Fax Sender at 8323662586

Fax Information

Date Received:

3/21/2007 4:07:18 PM [Eastern Daylight Time]

Total Pages:

8 (including cover page)

**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
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03/21/2007 14:04	0322662586	FFP LEGAL	PAGE 01/08
<b>HEXION*</b> <small> specialty chemicals</small> 3615 South Street, 2nd Floor Houston, TX 77058 <a href="http://www.hexion.com">www.hexion.com</a>		Hexion Specialty Chemicals, Inc. 3615 South Street, 2nd Floor Houston, TX 77058 <a href="http://www.hexion.com">www.hexion.com</a>	
DATE: March 21, 2007		TOTAL PAGES <u>8</u>	
TO: Ramirez Patrick D. NILAND	FROM: Richard Yuan		
PHONE: (711) 272-1511	PHONE: (832) 366-2475		
FAX: (711) 273-4300	FAX: (281) 205-2050		
RE: USPN: 11/549,544			
International Filing Date: 09/13/2005			
Attorney Docket: 05-02-FFP-US			
<p align="center"><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b></p> <p>I hereby certify that this correspondence, consisting of a Response to an Office Action dated January 17, 2007, (7 pages) is being facsimile transmitted to the United States Patent and Trademark Office, facsimile number (711) 273-4300 on <u>Wednesday, March 21, 2007</u>.</p> <p align="right">           Richard Yuan          Registration No. L0278       </p>			
<p align="center"><b>FACSIMILE TRANSMISSION</b></p> <p>*****</p> <p>This facsimile may contain CONFIDENTIAL INFORMATION which also may be LEGALLY PRIVILEGED and which is intended only for the use of the Addressee(s) named below. If you are not the intended recipient of this facsimile, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination or copying of this facsimile may be strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone and return the original facsimile to us at the above address via United States Postal Service. Thank you.</p> <p>*****</p>			
PAGE 181 RCVD AT 3/21/2007 4:07:18 PM [Eastern Daylight Time] * SVR:UDCFAX01/0 * DNS:2755 * CSID:USPTO * DURATION (mm-ss):01:44			



COPY

**Notice of Abandonment**

Application No.

10/549,544

Examiner

Patrick D. Niland

Applicant(s)

RAINIO, JOUNI

Art Unit

1714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 1/17/07.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:



Patrick D. Niland  
Primary Examiner  
Art Unit: 1714

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.